

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

KRISTY ROSS,

Defendant.

Hon. Richard D. Bennett

Civil No. RDB 08-CV-3233

**KRISTY ROSS’S RULE 60(b) MOTION TO VACATE THE
DAMAGES PORTION OF THE JUDGMENT AGAINST HER**

Pursuant to Rules 60(b)(4) and 60(b)(6) of the Federal Rules of Civil Procedure, defendant Kristy Ross (“Ross”) hereby moves for vacatur of the damages component of the judgment entered against her on September 24, 2012, in the amount of \$163,167,539.95. On April 22, 2021, the United States Supreme Court decided *AMG Capital Management, LLC v. FTC*, 141 S. Ct. 1341 (2021), and provided controlling authority demonstrating beyond all doubt that this Court lacked statutory authorization to enter any form of a monetary judgment against Ross. Under Rule 60(b)(4), the monetary judgment is void because the Court lacked statutory authority (and thus jurisdiction) to enter it. Alternatively, under Rule 60(b)(6), the change in law by *AMG*, coupled with other compelling circumstances, are so “extraordinary” that vacatur of the monetary judgment is independently warranted. For these reasons and those set forth more fully in the attached supporting memorandum of law, Ms. Ross respectfully requests that the Court vacate the monetary judgment entered against her.

September 9, 2021

Respectfully submitted

KRISTY ROSS

By: Brent E. Newton

Brent E. Newton

Attorney at Law

Maryland Attorney #2002060016

19 Treworthy Road

Gaithersburg, MD 20878

Phone: (202) 975-9105

Email: brentevannewton@gmail.com

William W. Flachsbart

DUNLAP, BENNETT & LUDWIG

333 N. Michigan Ave., 27th Floor

Chicago, IL 60601-3901

Phone: (312) 551-9500

E-mail: WFlachsbart@DBLlawyers.com

Admitted Pro Hac Vice

Attorneys for Defendant Kristy Ross

CERTIFICATE OF SERVICE

I certify that on this 9th of September 2021, a copy of the foregoing motion was served on counsel of record for all parties via CM/ECF.

Brent E. Newton

Brent E. Newton